

CHAPTER 5
KEY PRINCIPLES OF PERMANENCY PLANNING FOR CHILDREN

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Notice

The "Key Principles of Permanency Planning for Children" was written by the Permanency Planning for Children Department, National Council of Juvenile and Family Court Judges (NCJFCJ), University of Nevada, Reno, P.O. Box 8970, Reno, NV, and is reprinted in this Benchbook in its entirety with permission of the NCJFCJ.

KEY PRINCIPLES OF PERMANENCY PLANNING FOR CHILDREN

For over 25 years, the National Council of Juvenile and Family Court Judges (NCJFCJ) has been a national leader in the implementation of federal and state laws written on behalf of abused and neglected children and their families. As the nation's oldest judicial membership organization, the NCJFCJ has provided training and written materials for thousands of judges in every state in the country. In January of 1998, the Board of Trustees of the NCJFCJ asked its Permanency Planning for Children Advisory Committee to draft a statement of Key Principles for Permanency Planning. The Committee met several times to develop this statement of Key Principles, approved by the NCJFCJ Board of Trustees in July 1999.

	PRINCIPLE
5.01	Child Health and Safety All children have the right to a healthy and safe childhood in a nurturing, permanent family, or in the closest substitute to a family setting. Protecting children from abuse and neglect by their parents/caretakers is the primary goal of the child welfare system.
5.02	Permanency for Children All children are entitled to a safe, permanent and nurturing home in order to reach their full potential as human beings. It is preferable that permanency be accomplished within a child's own family, but if that is not possible, it should be accomplished in a family setting. From the time a child enters the child welfare system, all participants in that system and all levels of the judicial system must strive to achieve permanency for the child. Judges must do all they can to ensure that children 16 years of age or older receive services to prepare them for independent living, even while planning for adoption or other permanent plan.
5.03	Family Preservation Consistent with child safety, families should be preserved, reunified and strengthened so that they can successfully rear their children. Judges must use their legal authority to ensure that social and protective services are immediately available to families whose children have been placed at risk of abuse or neglect. The services should be easily accessible, adequate, appropriate and delivered in a culturally competent framework. Judges must use the full extent of their authority to protect children, to keep them and other family members safe, and to hold accountable those who endanger children and other family members. Judges must exercise their authority to order state/local agencies to provide reasonable and necessary services to children and families under court jurisdiction to ensure safe, permanent outcomes for children and a fair opportunity for parents to become competent and safe caretakers.

	PRINCIPLE
5.04	<p>Judicial Leadership</p> <p>Judges must ensure that the courts they administer provide efficient and timely justice for children and their families. Judges must ensure that their juvenile and family court system has the capacity to collect, analyze, and report aggregate data relating to judicial performance, including the timely processing of cases to ensure the achievement of permanency for children who are under court jurisdiction. Judges must convene and engage the community in meaningful partnerships to promote the safety and permanency of children.</p>
5.05	<p>Adequate Resources</p> <p>There must be sufficient resources for the court hearing abuse and neglect cases. These resources include adequate judicial officers, court staff, attorneys and guardians <i>ad litem</i>, technological support and space. In addition, there must be sufficient supportive services for families, including mental health services, counseling, educational/parenting programs, and domestic violence and substance abuse services.</p>
5.06	<p>Judicial Oversight of Children and Families</p> <p>Judges must provide oversight of children and families under court jurisdiction to ensure that these children are safe and have a permanent home in a timely fashion and that the parents/caretakers receive due process of law. Court systems should be organized such that where possible the same judge presides over the entire child welfare case from the shelter hearing through permanency, including any adoption.</p>
5.07	<p>Alternative Dispute Resolution Techniques</p> <p>All juvenile and family court systems should have alternative dispute resolution processes available to the parties. These include family group conferencing, mediation, and settlement conferences. Judges should encourage and support the development and maintenance of alternative dispute resolution processes in their court systems and ensure that they are staffed by qualified, well-trained professionals.</p> <p><i>Comment: Minn. Stat. § 484.76 prohibits the use of court-ordered alternative dispute resolution (ADR) as a means for resolving child protection matters. Voluntary participation in ADR options is permitted. Many Minnesota counties have implemented various forms of ADR, such as Family Group Conferencing, Family Group Decision Making, and the Parallel Protection Plan.</i></p>
5.08	<p>Courtroom Civility</p> <p>Judges should ensure that the courtroom is a place where all who appear are treated with patience, dignity and courtesy.</p>
5.09	<p>Cultural Sensitivity/Competence</p> <p>All members of the court system must strive to learn and respect the ethnic and cultural traditions, mores and strengths of those who appear before the court. To</p>

	PRINCIPLE
	<p>5.09 Cultural Sensitivity/Competence (continued)</p> <p>this end, courts must ensure that legal materials for families are available in their native languages, that certified interpreters can assist families throughout the court process and that services are designed with appropriate cultural understanding.</p>
5.10	<p>Competent and Adequately Compensated Representation</p> <p>All parties in child welfare proceedings should be adequately represented by well-trained, culturally competent and adequately compensated attorneys and/or guardians <i>ad litem</i>. State and local governments must provide the financial means to accomplish this principle.</p>
5.11	<p>Collaboration</p> <p>The juvenile court must encourage and promote collaboration and mutual respect among all participants in the child welfare system. The court should regularly convene representatives from all participants in the child welfare system so as to improve the operations of the system. Judges should convene the community so that professionals, volunteers, agencies and politicians can join together to work on behalf of children and families. Judges should regularly appear in the community in order to inform the community about children and families in the child welfare system and to develop better working relationships with schools, service organizations, health care providers and volunteers. Judges should encourage cross training among all members of the child welfare system.</p>